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APR 05 2004

From : Richard San Pietro
Date : April 5, 2004
Client/Matter No : 07406-0104
USSN : 09/916,396
Filing Date : July 27, 2001
Examiner : Sandra E. Saucier
User ID No : 0079

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Transmitted herewith for filing in the above-referenced application are the following.

- 1) Transmittal (2 pages) in Duplicate; and
- 2) Response and Amendment (15 pages).

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Atty. Dkt. No. 074066-0104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory M. Fahy

Title: An Advantageous Carrier Solution
for Vitrifiable Concentration of
Cryoprotectants, And Compatible
Cryoprotectant Mixtures

Appl. No.: 09/916,396

Filing Date: 07/27/2001

Examiner: Sandra E. Saucier

Art Unit: 1651

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(Printed Name)
Line Gauthier
(Signature)
April 5 2004
(Date of Deposit)

AMENDMENT TRANSMITTAL

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	24	- 23 =	1 x	\$18.00 =	\$18.00
Independent Claims:	4	- 6 =	0 x	\$86.00 =	\$0.00
First presentation of any Multiple Dependent Claims:			+ \$290.00 =		\$0.00
			CLAIMS FEE TOTAL =		\$18.00

Atty. Dkt. No. 074066-0104

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[X] Extension for response filed within the second month: \$420.00 \$420.00

CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL: \$438.00

[X] Small Entity Fees Apply (subtract ½ of above): \$219.00

TOTAL FEE: \$219.00

[X] Please charge Deposit Account No. 50-0872 in the amount of \$219.00. A duplicate copy of this transmittal is enclosed.

[X] Although the maximum independent claims was 5, on March 31, 2003, Applicant paid for 6 independent claims, in error. Please credit this amount to Deposit Account No. 50-0872.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Date April 5, 2004

Respectfully submitted,

Richard J. Warburg
FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6717
Facsimile: (858) 792-6773

By Pat S. Pietro

Richard San Pietro
Attorney for Applicant
Registration No. 45,071

Atty. Dkt. No. 074066-0104

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Applicant: Gregory M. Fahy

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 (Printed Name)
Sandra Saucier
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[X] Extension for response filed within the second month: \$420.00 \$420.00

CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL: \$438.00

[X] Small Entity Fees Apply (subtract 1/2 of above): \$219.00

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Date April 5, 2004

Respectfully submitted,

Richard J. Warburg
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Facsimile: (858) 792-6773

By Richard San Pietro

Richard San Pietro
Attorney for Applicant
Registration No. 45,071

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074066-0104

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APR 05 2004

Applicant: **Gregory M. Fahy**Title: **AN ADVANTAGEOUS CARRIER
SOLUTION FOR VITRIFIABLE
CONCENTRATIONS OF
CRYOPROTECTANTS, AND
COMPATIBLE CRYOPROTECTANT
MIXTURES**Appl. No.: **09/916,396**Filing Date: **July 27, 2001**Examiner: **Sandra E. Saucier**Art Unit: **1651**

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Line Gauthier
(Printed Name)

Sandra E. Saucier
(Signature)

April 5, 2004
(Date of Deposit)

RESPONSE TO OFFICE ACTION

Mail Stop AF
Commissioner for Patents
Alexandria, VA

Dear Sir:

In response to the Office Action mailed November 5, 2003, please enter the following
amendments and consider the following remarks.

Amendments to the specification begin on page 2.

Amendments to the claims begin on page 3.

Remarks begin on page 8.

023.247888.3